IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 1876 of 2002
Date of decision: February 5,2007

Kitab Singh and another V. Wazir Singh and another

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Narender Hooda ,Advocate, for the appellants.
Shri Kulvir Narwal,Advocate, for the respondents.

Viney Mittal,J.(Oral)

The plaintiffs have lost concurrently before the two courts below and are in second appeal.

By filing a suit on August 5,1997, the plaintiffs challenged the judgment and decree dated August 4,1994 suffered by Dulia, defendant No.2, in favour of Wazir Singh, defendant No.1. It was claimed by the plaintiffs that the property covered by the decree in question was co-parcenary and ancestral in the hands of Dulia and as such the decree could not be suffered by Dulia in favour of Wazir Singh. It was also claimed that the decree was result of the fraud and mis-representation.

The suit was contested by the defendants. Dulia has specifically pleaded that he had suffered the decree in question willingly and voluntarily and no fraud had been played upon him.

Both the courts have rejected the claim made by the plaintiffs and have held that no fraud had ever been played upon Dulia when he suffered the decree in question.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

February 5,2007 (Viney Mittal)
sks Judge